UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,263	02/27/2002	Tetsuya Onishi	02109/LH	1754

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ART UNIT	PAPER NUMBER
2624	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/085,263	ONISHI ET AL.
	Examiner	Art Unit	
	Damon Conover	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>31 January 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-9 and 12-14</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-9 and 12-14</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments, see paragraph 2, page 9, filed 31 January 2006, with

respect to Figures 1 and 7 have been fully considered and are persuasive. The

drawings have been corrected, thus the objections of Figures 1 and 7 have been

withdrawn.

2.   Applicant's arguments, see paragraph 5, page 9 and paragraph 2, page 12, filed

31 January 2006, with respect to the rejection(s) of claim(s) 1 under 35 U.S.C. § 102

have been fully considered and are persuasive. Therefore, the rejection has been

withdrawn. However, upon further consideration, a new ground(s) of rejection is made

in view of Kunimoto et al. (U.S. Patent 5,917,536).

        Palmer et al. disclose a method and apparatus for storing document images,

creating a retrieval index, and for displaying the retrieved document (abstract).

        In the amended claim, the applicant describes that the data set includes medical

image data and character information data that includes ID data identifying a patient.

Palmer et al. does not specifically describe that the documents being stored are medical

image data, therefore the rejection based on Palmer et al. has been withdrawn.

        However, Kunimoto et al. disclose an image recording apparatus for storing

medical documents, such as MRI and CT images, along with text information such as

the patient name or patient ID (column 3, lines 36-52 and column 4, lines 7-8).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-4, 6, 8, and 13-14 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Palmer et al. in view of Kunimoto et al.

With respect to claim 1, Palmer et al. disclose a method and apparatus for

storing document images, creating a retrieval index, and for displaying the retrieved

document (abstract). The invention processes the document image to determine its

structure, and then extracts contents of the document (images and text), so the contents

can be stored along with the document image (column 2, lines 40-46 and column 7,

lines 45-53). The invention also creates an index using the text extracted from the

document, so that the document can be retrieved with reference to the indexed text

(column 3, lines 4-19). The invention includes a scanner 31 for inputting image data into

the apparatus, and a computer 10 which includes mass storage memory 20, a

keyboard/mouse 19, and display 17 for extracting text from the image and storing it

along with the image data and for retrieving and displaying the image. The scanner 31

(inputting section) inputs a new data set including new image data and a new character

information data (column 4, lines 61-64). The computer 10 (retrieving section) judges

that the plurality of data sets include the same character information data as the new

character information data (column 7, lines 54-64). In the method disclosed by Palmer

et al., once images are scanned in and the text extracted by optical character

recognition, the document indexes, formed from the extracted text, and the document

images are stored in a centralized database (column 5, lines 15-17), so that a single

search can return items from multiple data sets (column 7, line 66 – column 8, lines 10).

This method is analogous to correlating a new data set with an existing data set

including the same character information data memorized in the information memorizing

section.

Palmer et al. do not specifically describe that the documents being stored are

medical image data.

However, Kunimoto et al. disclose an image recording apparatus for storing

medical documents, such as MRI and CT images, along with text information such as

the patient name or patient ID (column 3, lines 36-52 and column 4, lines 7-8).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to use the image management apparatus of Palmer et al. to store and

organize medical images based on a patient identifier as taught by Kunimoto et al., in

order to make images from a plurality of medical diagnostic apparatuses for a plurality

of patients more easily accessible (Kunimoto et al., column 1, lines 48-63).

With respect to claim 2, Palmer et al. describe that the information memorizing

section stores the image data and character data together, so that the retrieving section

can retrieve a plurality of data sets with a single search (column 7, line 66 – column 8,

lines 10).

With respect to claim 3, Palmer et al. describe that the image data contain a character image data and the character information data are obtained from the character image data by a technique of character recognition (column 7, lines 7-11).

With respect to claim 4, Palmer et al. disclose a character information retrieving section which retrieves newly inputted character information data from the database containing the plurality of character information data that has been previously scanned (column 5, lines 15-17). By comparing the newly inputted character information with the character information data previously captured and included in the index (comparing section) (column 7, lines 56-59), a score can be calculated based on the occurrence of the newly inputted characters (determining section) (column 7, lines 66 – column 8, lines 10).

With respect to claim 6, in the method disclosed by Palmer et al., once images are scanned in and the text extracted by optical character recognition, the document indexes, formed from the extracted text, and the document images are stored in a centralized database (column 5, lines 15-17), so that a single search can return items from multiple data sets (column 7, line 66 – column 8, lines 10). This method is analogous to memorizing the new data set in the information memorizing section in a correlated form with the existing data set including the same character information data.

With respect to claim 8, Palmer et al. identify the date data as a standard structure that can be extracted from an image document and stored with the data set in the database (column 6, lines 21-30). The retrieving section can use the date data to

structure the search query to retrieve documents with the same date (column 7, line 66 – column 8, lines 10).

With respect to claim 13, as discussed above, Palmer et al. disclose a method and apparatus for storing document images, creating a retrieval index based on text extracted from the documents, and for displaying the retrieved document. Palmer et al. describe that once images are scanned in and the text extracted by optical character recognition, the document indexes, formed from the extracted text, and the document images are stored in a centralized database (column 5, lines 15-17), so that a single search can return items from multiple data sets (column 7, line 66 – column 8, lines 10). This method is analogous to memorizing the new data set in the information memorizing section in a correlated form with the existing data set including the same character information data.

Palmer et al. do not specifically describe that the documents being stored are medical image data and that the text extracted is patient identification information.

Kunimoto et al. disclose an image recording apparatus for storing medical documents, such as MRI and CT images, along with text information such as the patient name or patient ID (column 3, lines 36-52 and column 4, lines 7-8).

It would have been obvious to one of ordinary skill in the art at the time of the invention to use the image management apparatus of Palmer et al. to store and organize medical images based on a patient identifier as taught by Kunimoto et al., in order to make images from a plurality of medical diagnostic apparatuses for a plurality of patients more easily accessible (Kunimoto et al., column 1, lines 48-63).

With respect to claim 14, as discussed above, Palmer et al. disclose a method and apparatus for storing document images, creating a retrieval index based on text extracted from the documents, and for displaying the retrieved document. Palmer et al. describe that once images are scanned in and the text extracted by optical character recognition, the document indexes, formed from the extracted text, and the document images are stored in a centralized database (column 5, lines 15-17). The character information data is the same for related sets (inputted data and memorized data), so that a single search query can return items from multiple data sets (column 7, line 66 – column 8, lines 10).

Palmer et al. do not specifically describe that the documents being stored are medical image data and that the character information data is patient identification information.

Kunimoto et al. disclose an image recording apparatus for storing medical documents, such as MRI and CT images, along with text information such as the patient name or patient ID (column 3, lines 36-52 and column 4, lines 7-8).

It would have been obvious to one of ordinary skill in the art at the time of the invention to use the image management apparatus of Palmer et al. to store and organize medical images based on a patient identifier as taught by Kunimoto et al., in order to make images from a plurality of medical diagnostic apparatuses for a plurality of patients more easily accessible (Kunimoto et al., column 1, lines 48-63).

4.   Claims 5, 7, 9, and 12 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Palmer et al. and Kunimoto et al. in view of Chevion et al.

With respect to claim 5, as discussed above, Palmer et al. disclose a method

and apparatus for storing document images, creating a retrieval index based on text

extracted from the documents, and for displaying the retrieved document. Kunimoto et

al. disclose an image recording apparatus for storing medical documents, such as MRI

and CT images, along with text information such as the patient name or patient ID

(column 3, lines 36-52 and column 4, lines 7-8).

Neither Palmer et al. nor Kunimoto et al. include an operating section to correct

the data set.

Chevion et al. disclose a system and method for correcting data extracted by

optical character recognition (column 2, lines 1-2). Chevion et al. list several logical

tests, such as checking the dates, checksums, other code sums or validating

information from a database (for example, an ID number), that can be used to improve

the quality of the data entry (column 7, line 67 – column 8, lines 7).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to include in the document indexing and storage steps of Palmer et al. and

Kunimoto et al., the data validating steps of Chevion et al. before storing the data in the

database, in order to improve the quality of the data entry system and eliminate manual

intervention (Chevion et al., column 8, lines 3-5).

With respect to claim 7, as discussed above, Palmer et al. disclose a method

and apparatus for storing document images, creating a retrieval index based on text

extracted from the documents, and for using the index to query and display a set of

retrieved documents. Kunimoto et al. disclose an image recording apparatus for storing

medical documents, such as MRI and CT images, along with text information such as

the patient name or patient ID (column 3, lines 36-52 and column 4, lines 7-8).

Neither Palmer et al. nor Kunimoto et al. disclose the inclusion of inspection data

to identify an inspection conducted.

As discussed above, Chevion et al. disclose a system and method for correcting

data extracted by optical character recognition, which stores the recognition results in

the database along with the document image and character data (column 4, lines 21-

34).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to include in the indexing and storage steps of Palmer et al. and Kunimoto et

al., the storage of inspection data of Chevion et al. The discussion is the same as

addressed above.

With respect to claims 9 and 12, as discussed above, Palmer et al. disclose a

method and apparatus for storing document images, creating a retrieval index based on

text extracted from the documents, and for using the index to query and display a set of

retrieved documents. The invention includes a scanner 31 for inputting image data into

the apparatus, and a computer 10 which includes mass storage memory 20 for storing

the image data and the extracted character data. The computer 10 is also used to

compare the newly inputted character information with the character information data

previously captured and included in the index (comparing section) (column 7, lines 56-

59). Kunimoto et al. disclose an image recording apparatus for storing medical

documents, such as MRI and CT images, along with text information such as the patient

name or patient ID (column 3, lines 36-52 and column 4, lines 7-8).

Neither Palmer et al. nor Kunimoto et al. include an operating section to operate

the data set.

Chevion et al. disclose a system and method for correcting data extracted by

optical character recognition (column 2, lines 1-2). Chevion et al. list several logical

tests, such as checking the dates, checksums, other code sums or validating

information from a database (for example, an ID number), that can be used to improve

the quality of the data entry (column 7, line 67 – column 8, lines 7).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to include in the document indexing and storage steps of Palmer et al. and

Kunimoto et al., the data validating steps of Chevion et al. before storing the data in the

database. The discussion is the same as addressed above.

Conclusion

5.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

6.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Damon Conover whose telephone number is (571) 272-

5448. The examiner can normally be reached Monday-Friday, 8:00 a.m. - 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Joseph Mancuso, can be reached at (571) 272-7695. The fax number for

the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

JOSEPH MANCUSO
SUPERVISORY PATENT EXAMᵢₙ